

APPROVED AS AMENDED BY THE BOARD OF SELECTMEN

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
FEBRUARY 6, 2006**

ATTENDANCE: 1st Selectwoman Evonne Klein; Kevin Newman;
Linda Santarella; Barbara Thorne; Susan Young

STAFF: John Crary, Administrative Officer

OTHERS: Peter Maglathlin; Steve Frank; Craig Curtis;
Linda Goodyear

CALL TO ORDER

First Selectwoman Klein called the Regular Meeting to order at 7:05 p.m.

PUBLIC COMMENT

Everett Drugge stated that he was a member of the Pool Time Committee and he would like to clarify the part of their proposal that was to use the Hollow Tree Ridge School facility with access to the new pool and gym area.

FIRST SELECTWOMAN'S REPORT

The First Selectwoman stated that a report was filed with the Darien Police Department yesterday afternoon by members of the Baptist Church. Forty people were taken ill after they drank the Communion grape juice. She reported that four people were transported to the hospital and released with symptoms that included burning in the throat and nausea and vomiting. She reported that the grape juice was purchased at CVS and all bottles have been removed from their shelves. The First Selectwoman reported that the incident was under investigation and the grape juice has been sent to the health department today. She did not know when the test results would be available or if they would be conclusive.

The First Selectwoman reported that the budget meeting tomorrow will begin at 6:30 PM and the Public Hearing at 7:30 PM.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Crary reported that he had been spending a substantial amount of time on the budget and therefore did not have anything to report. He requested that the Board of Selectmen go into Executive Session at the end of tonight's meeting to discuss contract negotiations.

REPORT ON THE STATUS OF THE HEALTH DISTRICT PLANNING COMMITTEE

Susan Young reported that she attended a meeting on February 9th with the newly formed group and with consultant Tom Bernstein and Dr. David Reed from New Canaan. She reported that she will have additional information after they meet again.

NEW BUSINESS

a) Discuss and Take Action on Darien High School Building Committee request for \$2.40 Million to complete the high school project

Mr. Peter Maglathlin, Chairman of the Darien High School Building Committee, reviewed the major reasons and the additional costs to be incurred, in the amount of \$2.40 Million, to complete the high school project. He stated that the additional cost for asbestos removal and remediation was the most significant in the amount of \$950,000 since there was a larger amount of asbestos than anticipated and it took 150 truckloads to remove it from the site. He continued that the higher steel, electricity and fuel oil costs amounted to \$650,000, and three claim settlements which he hoped would be resolved soon, amounted to \$300,000. Mr. Maglathlin reported that \$200,000 was requested for contingency and \$250,000 for additional overtime and change orders to assure that the school would open on time. He stated that he hoped that the costs will be less and that all money not used would come back to the Town. He also noted that 15-17% would be received back from State funding due to the asbestos problem.

- ** MS. THORNE MOVED TO ADOPT THE RESOLUTION AUTHORIZING AN ADDITIONAL \$2,400,000 TO BE APPROPRIATED FOR THE PLANNING, DESIGN AND CONSTRUCTION OF THE NEW HIGH SCHOOL IN THE TOWN OF DARIEN. (RESOLUTION ATTACHED).**
- ** MS. SANTARELLA SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

The First Selectwoman requested that Item C be moved up on the agenda to be heard next.

**** MS. SANTARELLA MOVED TO CHANGE THE AGENDA IN ORDER TO HEAR ITEM C AT THIS TIME.**
**** MS. THORNE SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

c) Report on CERT – Steve Frank

Mr. Steve Frank reported that there were currently 13 Darien citizens who had taken the 20-hour CERT training session. He stated that the overall purpose of the Community Emergency Response Team was to train community volunteers in basic emergency response and give them decision making skills. He stated that the next step was to establish a community training program in the Town and to recruit enough volunteers to make CERT a force that was a benefit to the Town. He also hoped to establish communications with the emergency first responders and to establish operating guidelines.

b) Discuss and Take Action on a resolution authorizing the First Selectwoman to sign a grant with the State of Connecticut Department of Health

Mr. Crary reported that at the last meeting there were questions pertaining to the language of the resolution that was presented. He stated that he spoke to Town Counsel and the resolution had been modified. Mr. Crary noted that the grant money would be obtained only if the Health District was formed.

**** MR. NEWMAN MOVED TO APPROVE THE FOLLOWING RESOLUTION AS MODIFIED:**

WHEREAS, THE TOWN OF DARIEN HAS BEEN AWARDED A GRANT OF \$29,921 FROM THE STATE OF CONNECTICUT TO STUDY THE FEASIBILITY OF FORMING A HEALTH DISTRICT;

WHEREAS, THE PURPOSE OF THE GRANT IS TO PAY FOR THE COSTS THAT ARE NECESSARY TO GATHER THE INFORMATION TO STUDY THIS ISSUE AND TO PAY FOR EXPENSES OF A NUMBER OF PUBLIC MEETINGS ON THIS SUBJECT; AND

WHEREAS, IF THE CREATION OF A HEALTH DISTRICT PROVES TO BE; NOW THEREFORE, BE IT

RESOLVED: THAT EVONNE M. KLEIN, FIRST SELECTWOMAN, TOWN OF DARIEN, IS HEREBY AUTHORIZED TO MAKE, EXECUTE AND APPROVE ON BEHALF OF THE TOWN OF DARIEN, ANY AND

ALL CONTRACTS AND AMENDMENTS THEREOF WITH THE STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH AND TO EXECUTE AND APPROVE ON BEHALF OF THE TOWN, OTHER INSTRUMENTS, A PART OF OR INCIDENTAL TO SUCH CONTRACTS AND AMENDMENTS FOR THIS GRANT SUBJECT TO THE APPROVAL OF THE BOARD OF SELECTMEN.

**** MS. SANTARELLA SECONDED.
** MOTION PASSED UNANIMOUSLY.**

c) Discuss Draft Statement on Affordable Housing

Ms. Klein stated that she had incorporated the comments from Kevin Newman and other Board members and that this was a new draft for review by the Board. She then asked for direction from the Board. Ms. Santarella questioned why the groups that the Commission was comprised of were deleted in this draft. She stated that she did not take issue with it and they need people on the Commission with experience and should also make it broad and diverse. She stated that her only concern was that someone should not be designated to serve by a member of the Planning & Zoning Commission. Mr. Newman stated that it should be a diverse group that had no other agenda than to do this. He stated that there were subtle conflicts of interest in the draft, noting that the Advisory Commission will advise the Board. Mr. Newman also stated that he had other issues with the draft, pointing out that he would not mention the State law, and he would call it alternative housing rather than affordable housing. He also suggested deleting "Recommend appropriate properties for potential development". Ms. Klein stated that this is an Affordable Housing Commission and that it is a mandate set forth by the State, 8-30G, with respect to housing. She stated that she took exception and felt that it would lose the spirit of the law. She also expressed that the Town should work in good faith with the State. She stated that she thought the Board members were committed to that. Ms. Young stated that the priority should be to seek out alternative housing because it was less costly. She stated that she understood that accessory apartments were not easy, but they were an alternative. She also asked that the Commission be called an Alternative Housing Commission.

Mr. Newman then read a statement in which he requested that the role of the Commission was not to identify individual properties but to give advice to the Board of Selectmen to determine a long term housing plan for the Town of Darien and to help the Board do the right thing. Ms. Klein agreed that it was up to the Board to decide what to do.

Mr. Newman suggested that they work on the draft until they all came to a unanimous agreement on it. Ms. Klein stated that she will place this again on the next Board meeting agenda.

d) Continued Discussion of Senior Center Taskforce Findings

Mr. Craig Curtis, Chairman of the Senior Center Task Force, reported that he met with Jeremy Ginsberg and they looked at several alternate sites. The first conclusion made was that the Senior Center property was the most level piece of property, it was an ideal position for the Senior Center and a pool could be put around the property. He reported that the building was still structurally sound and there were 8 acres of land there. Mr. Curtis continued that he also looked at the Diller property, which had 5 acres, but because of the way the wetlands ran, and the area around the brook, there were only two locations where something could be built. He said it would be very difficult to do and a pool would have to be squeezed in. Concluding, Mr. Curtis stated that he did not make great headway with the alternatives. Ms. Young commented that the report on the Hollow Tree property sounded more positive because two facilities could be built on that site. Mr. Curtis stated that there was land for two facilities but they would have to move the catch basin and redirect the wetlands.

Mr. Newman commented that they need to assess the needs and recommended that the Board of Selectmen not approve or disapprove this at this time. He expressed that they needed to expand the charge to include what the possible alternatives, pros and cons, were. He stated that they needed a site and engineering plan for the Hollow Tree site. Mr. Newman added that it was important to know the historical usage and demographics of the facility of the last few years before they determine to go forward. He stated that he was optimistic that they could get to the right place.

Ms. Santarella stated that it was interesting to know now that the current land had 8 acres. She reported that in the Preliminary Report of the Task Force one of the things the Board of Selectmen asked them to do was to consider a land use policy for the remaining property of the Senior Center. She stated that she wanted to clarify that the Taskforce met to discuss other usage and they can have two things on that site. Ms. Thorne stated that the Board needed to see what the Task Force recommended and what the minority recommended and what other things could be at that site. She added that there was a money cost but also a psychological cost of moving the seniors to another place and they were trying to weigh all of them.

Linda Goodyear, a member of the Task Force, read a statement expressing her reservations with respect to the Preliminary Report presented to the Board of Selectmen by Chairman Craig Curtis on December 19, 2005. She stated the recommendation to renovate the existing Senior Center with no further consideration of a new building option was premature and not supported by the work of the Committee. She stated that the Task Force also did not adequately explore building a new Center in another location on this same property. She stated that a feasibility study should be undertaken to include both renovation of the existing facility and a new building. She added that she was upset about apparent misinformation that has been communicated to people that the Senior Center may be closed and that current programs would be eliminated. She stated that

these claims were wrong and that no one on the Task Force suggested closing or eliminating any programs. Ms. Santarella asked Ms. Goodyear if, as a member of the Task Force, did she ever request that they amend their charge to the Board of Selectmen? She reported that she read all the minutes and no one put a motion on the floor to amend the charge. She wanted the public to know there was an opportunity to amend the charge but it wasn't done.

Ms. Thorne stated that the foundation work by the Task Force was essential and they now needed something more. Ms. Klein stated that the work the Task Force did was step 1 and they took the right first step. She stated that they are taking the recommendation to look at the rest of the property and what can be done at this site. She continued that the Senior Center was a priority for the Board of Selectmen for the highest and best use of Town property. She added that they have been looking at land and at the property they have, but it just was not there.

Donna Berizzi, member of the Task Force, stated that she absolutely agreed that there was a psychological factor by changing the routine of the seniors, and it was taken into consideration. She also stated that many times it was talked about amending the charge but they continued to proceed with the charge at hand. She also stated that in the seven months that she served on the Committee never once was a statement made that they wanted to close the Senior Center or close out programs. She was appalled how inflamed the letters to the Editor have been and she added that they want to take care of the people that helped build the Town of Darien. She concluded by stating that this was a Preliminary Report and they could not make a decision in six months. Ms. Young stated that she knew this was a preliminary report and they were not voting on it. She said that it was determined that questions were not answered sufficiently and about how they should move forward to answer the questions. She said it was never intended to take anything away from the seniors. She and Mr. Newman were only asking more questions.

Jennifer Geddes stated that she was on the Task Force and was the Chairman for the Commission on Aging. She wanted to express that in the near future it will be mandated to have sufficient square footage available for Adult Day Care at the Senior Center.

Ms. Klein asked if the Board would like the Task Force to continue and come up with a final report to the Board of Selectmen. Ms. Young suggested that the next thing would be to have a feasibility study. Ms. Thorne said that they saw the preliminary drawings from Pool Time and she would be interested in knowing the costs for rehabilitating or building a new Senior Center and incorporating Pool Time. Mr. Newman suggested offering the Task Force the opportunity to continue with an expanded charge to examine all possible alternatives for housing on that site or elsewhere and the pros and cons of each one.

Nancy Zengo stated that the current Senior Center had 525 members and she volunteered that she would track each day, five days a week for the next two weeks, the number of people coming in for lunch and attending programs.

The First Selectwoman stated that she would contact the Chairman of the Task Force and each member over the next week to find out if they are interested in continuing the Task Force and a charge would then be drafted. She stated that she would like to hear from the community on the Town pool and commented that she supported the Town pool. Mr. Newman stated that they were all neighbors and friends that no one was pointing the finger and they were trying to do the right thing.

e) Discuss and Take Action on the Continuance of the Advisory Commission on Coastal Waters

Ms. Klein stated that this Commission has been extremely valuable to the community and continued to play a role in keeping the Board apprised. She reported in the past two years they have taken on projects such as Broad River and shellfishing.

**** MS. SANTARELLA MOVED TO APPROVE THE CONTINUANCE OF THE ADVISORY COMMISSION ON COASTAL WATERS.**
**** MS. YOUNG SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

f) Discuss and Take Action on the Six (6) Year Capital Expenditure Plan

Mr. Newman stated that he was not ready to discuss or take action on the six year capital expenditure plan because he was confused. Ms. Klein stated that would have to vote on it by March 1st and it coincides with this year's budget. Mr. Crary commented that as they get closer to 2006-2007, the numbers in the plan would become more realistic. The Board then reviewed the plan. Ms. Santarella commented that she would like to see a pool at Weed Beach and she would like to hear more from people interested in it. Ms. Klein stated that the Board can vote on it on the February 21st meeting or hold a Special Meeting.

g) Discuss and Take Action on the Members of the Insurance Committee

Ms. Klein reported that the members of the Insurance Committee would consist of:

Town Administrator
Finance Officer
Representative of the Board of Selectmen

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Superintendent
Representative of Board of Education
Chairman of the Board of Finance

Discussion followed as to who would serve on the Insurance Committee as the representative of the Board of Selectmen. Mr. Newman agreed to serve as the representative.

- ** MS. THORNE MOVED TO TAKE ACTION ON THE MEMBERS OF THE INSURANCE COMMITTEE.**
- ** MS. SANTARELLA SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

AGENDA REVIEW

Ms. Cheryl Russell of the RTM asked when the Board would be voting on the Harbor Advisory Commission charter change because she would like to have the ordinances on the March RTM agenda. Ms. Klein stated she would look at the February 21st agenda.

CONSIDER AND TAKE ACTION ON THE FOLLOWING APPOINTMENTS:

Palmer Sparkman (R) as a member of the Advisory Commission on Coastal Waters, representing Delafield Island, for a term beginning on 2/16/05 and expiring on 2/15/07.

- ** MR. NEWMAN MOVED TO APPOINT PALMER SPARKMAN (R) AS A MEMBER OF THE ADVISORY COMMISSION ON COASTAL WATERS, REPRESENTING DELAFIELD ISLAND, FOR A TERM BEGINNING ON 2/16/05 AND EXPIRING ON 2/15/07.**
- ** MS. YOUNG SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

APPROVAL OF PREVIOUS MINUTES

Regular Meeting of January 17, 2006

The following changes were made to the minutes:

Pg. 2: Third paragraph: First sentence: the new window installation was completed in January.

Pg. 5: Mr. Newman asked if the new roof would have to be replaced because of the gutter problem.

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Pg. 7: Second paragraph: Philip Weyhe, Chairman, Public Health and Safety Committee, reported that the Committee has held meetings and they are thinking of participating in discussions about combining a Health District with New Canaan.

Pg. 10: First paragraph: Second sentence: change claims to clams.

Pg. 10: First paragraph, last sentence: In conclusion, Mr. Raleigh recommended the removal of Darien residency requirements for a clamming permit, given that the clam beds in Scott Cove are only accessible in deep water.

**** MS. THORNE MOVED TO APPROVE THE MINUTES OF THE
REGULAR MEETING OF JANUARY 17, 2006 AS AMENDED.
** MS. YOUNG SECONDED.
** MOTION PASSED UNANIMOUSLY**

FORTHCOMING MEETINGS

- February 7, 2006 Board of Selectmen Budget Meeting at 7:00 p.m.
- February 14, 2006 Board of Selectmen Budget Meeting at 7:00 p.m.
- February 14, 2006 Board of Finance Regular Meeting at 7:30 p.m.
- February 14, 2006 Board of Education Regular Meeting at 7:30 p.m.
- February 14, 2006 Planning and Zoning General Meeting at 8:00 p.m.
- February 15, 2006 Parks and Recreation Regular Meeting at 7:30 p.m.
- February 16, 2006 Board of Selectmen Budget Meeting at 7:00 p.m.
- February 21, 2006 Board of Selectmen Regular Meeting at 7:00 p.m.
- February 28, 2006 Planning and Zoning Public Hearing at 8:00 p.m.
- February 28, 2006 Board of Education Regular Meeting at 7:30 p.m.

OTHER BUSINESS

(A two-thirds majority vote is required to add an item to the agenda)

**** MR. NEWMAN MOVED TO GO INTO EXECUTIVE SESSION AT 10:00
PM TO DISCUSS CONTRACT NEGOTIATIONS.
** MS. SANTARELLA SECONDED.
** MOTION PASSED UNANIMOUSLY.**

Respectfully Submitted,

Donna DeVito
Telesco Secretarial Services

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